

## REMARKS

Claims 1-22 are currently active.

Claims 1 and 15 have been amended.

Antecedent support of the amendments to the claims is found on page 8, beginning at line 12.

The Examiner has objected to the abstract. The abstract has been shortened.

The Examiner has rejected Claims 1-22 under 35 U.S.C. 112, second paragraph. The Examiner indicates that in Claim 1, the determining step seems to be uncorrelated to the calculating, comparing and discarding steps. The Examiner indicates this also applies to Claim 15.

Claim 1 has been amended so that in regard to the calculating step the job probability is calculated in regard to whether the average buffer fill is greater than the minimum threshold and less than the maximum threshold. This testing step is now linked more clearly to the determining step which determines if the average buffer fill of the buffer in which the packet is to be stored is greater than the minimum threshold and less than the

maximum threshold. Accordingly, the calculating step correlates more clearly with the determining step.

The comparing step is simply taking the drop probability that has been calculated in the other steps and compared to a random number. The discarding step drops the packet if the probability is greater than the random number. It is submitted that Claim 1, and Claim 15 which has the same limitation introduced into it, is clear and definite to one skilled in the art and have their steps or elements correlated.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-22, now in this application be allowed.

**CERTIFICATE OF MAILING**

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231,

on

6/29/09

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Respectfully submitted,

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